

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ZELMA M. LOEB-DEFEVER, *et al.*,

Plaintiffs,

V.

STRATEGIC CONSTRUCTION,
LTD. d/b/a FCI MULTI-FAMILY, *et*
al.;

Defendants.

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CIVIL ACTION NO. 4:20-cv-01981

JURY

ORDER ON PLAINTIFF'S AMENDED MOTION IN LIMINE

Having considered Plaintiffs Zelma M. Loeb-Defever and Loeb Architects, LLC's Amended Motion in Limine, and any Response, the Court rules as follows. For those "Agreed" or "Granted" below, Defendants' counsel and any and all of the Defendants' witnesses are instructed to refrain from making any mention or interrogation, directly or indirectly, in any manner whatsoever, concerning any of the matters, without first approaching the bench and obtaining a ruling of the Court outside the presence and hearing of all prospective jurors and jurors ultimately selected in this cause in regard to any alleged theory of admissibility of such matters.

- Any testimony by expert witnesses repeating inadmissible hearsay, and any inadmissible hearsay documentary evidence offered through expert witnesses, unless it is first established that the probative value of the information in assisting the jury to evaluate the expert's opinion substantially outweighs its prejudicial effect.**

AGREED _____

GRANTED _____

DENIED _____

2. Any evidence of any summary of other information, including reports allegedly from accounting databases in the form of spreadsheets, without first having established that the requirements of Fed. R. Evid. 1006 have been met.

AGREED _____ GRANTED _____ DENIED _____

3. Any documentary evidence of any expenses or net profits of Defendants, including reports allegedly from accounting databases in the form of spreadsheets, without first having established that the requirements of Fed. R. Evid. 803(6) have been met.

AGREED _____ GRANTED _____ DENIED _____

4. Any argument or evidence of actual or statutory damages not the subject of a claim by Plaintiff in this action, including the fees Plaintiffs hypothetically could have charged and/or the revenues or profits Plaintiffs could have earned from the licensing of her designs or her copyrights.

AGREED _____ GRANTED _____ DENIED _____

5. Any potential remedies to be decided by the Court upon findings of liability, including: (a) the minimum statutory damages under 17 U.S.C. § 1203(c)(3)(B) for each violation of 17 U.S.C. § 1202; (b) costs and attorney's fees (including any statement or argument that Plaintiff's attorneys are representing Plaintiff under a contingency fee agreement); (c) injunction, and (d) interest.

AGREED _____ GRANTED _____ DENIED _____

6. Any reference to alleged poor quality of Plaintiffs' other works/projects

AGREED _____ GRANTED _____ DENIED _____

Signed _____, 2021

GEORGE C. HANKS, JR.
United States District Judge